

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

FILED

2008 OCT -7 A 11: 46

UNITED STATES OF AMERICA

v.

DAVID C. KERNELL,  
a/k/a "rubico,"

Defendant.

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NO. 3:08-CR-142

JUDGES:

Phillips/Shirley

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY DEPT. CLERK

INDICTMENT

The Grand Jury Charges:

INTRODUCTORY ALLEGATIONS

At all times relevant:

1. Defendant DAVID C. KERNELL was a resident of Knoxville, Tennessee. He occasionally used the nicknames "rubico" and "rubico10", among others, on the Internet.

2. Yahoo! was an Electronic Communications Service Provider providing e-mail and other services to the public in the United States and abroad, and its e-mail computers and servers for the yahoo.com domain are located in California.

3. Sarah Palin was Governor of the State of Alaska and the Republican nominee for Vice President of the United States.

4. Governor Palin maintained and used the e-mail account gov.palin@yahoo.com. On or about September 10, 2008, the existence of this e-mail account was disclosed to the public by several news sources.

5. On or about September 16, 2008, while residing in Tennessee, defendant Kernell gained unauthorized access to the e-mail account gov.palin@yahoo.com, by resetting the password using Yahoo's password-recovery tool. Specifically, he reset the password to "popcorn" by researching and correctly answering a series of personal security questions.

6. Once defendant Kernell established control over the e-mail account by changing the password, he read the contents and made screenshots of the e-mail directory, e-mail content, and other personal information. The personal information included, and was not limited to, other e-mail addresses of family members, pictures of family members, at least one cell phone number of a family member, the dates of birth of Governor Palin and another family member, and Governor Palin's address book for her Yahoo e-mail account. The screenshots of personal information obtained from the gov.palin@yahoo.com account were posted to a public website on the Internet known as <http://www.4CHAN.org>. Defendant Kernell posted the reset password, thus providing the means of access to the e-mail account to others.

7. At least one other individual successfully used the reset password to access Governor Palin's e-mail account.

8. After posting the new password to <http://www.4CHAN.org>, and in contemplation of an investigation by law enforcement authorities, defendant Kernell, removed, altered, concealed and covered up files on his laptop computer.

COUNT ONE

9. The introductory allegations set forth in paragraphs 1-8 are realleged herein.

10. On or about September 16, 2008, in the Eastern District of Tennessee and elsewhere, defendant

**DAVID C. KERNELL,**

in furtherance of the commission of a criminal act in violation of the laws of the United States, including 18 U.S.C. Section 2701 and 18 U.S.C. Section 1030(a)(2), intentionally and without authorization accessed a protected computer by means of an interstate communication and thereby obtained information, and did aid and abet in same.

[Title 18, United States Code, Sections 2, 1030(a)(2)(C), and 1030(c)(2)(B)(ii)]

A TRUE BILL:

*s/Foreperson*  
FOREPERSON

JAMES R. DEDRICK  
United States Attorney

By: *s/D. Gregory Weddle*  
D. Gregory Weddle  
Assistant United States Attorney

*s/Mark L. Krotoski*  
Mark L. Krotoski  
Trial Attorney  
United States Department of Justice, Criminal Division